

BOIES, SCHILLER & FLEXNER LLP

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September 22, 2010

Via ECF

Hon. Marilyn D. Go, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Room 1214 South  
Brooklyn, New York 11201

Hon. Cheryl L. Pollak, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Courtroom 13B - South  
Brooklyn, New York 11201

Re: *The John Hancock Life Insurance Company (U.S.A.) v. Marc Fein, in his capacities as Trustee of the Berney Family Girls Trust, the Berney Family Boys Trust, the Berney Family Girls Trust #2, and the Berney Family Boys Trust #2, Baruch Feder, and Frederick Schulman – 09-CV-03009 (DLI) (MDG); The John Hancock Life Ins. Co. (U.S.A.) v. Jonah Meer in his capacities as Trustee of the Everett Family Irrevocable Trust and as Trustee of the Gilbert Eastin Remainder Trust, 09-CV-2561 (JBW) (CLP); The John Hancock Life Ins. Co. (U.S.A.) v. Marc Fein in his capacities as Trustee of the Davis Children Irrevocable Trust, the Davis Family Irrevocable Trust, the Eastin Family Irrevocable Trust, and the Eastin Family Irrevocable Trust B, 09-CV-5606 (ENV) (CLP).*

Dear Judge Go and Judge Pollak:

We represent plaintiff The John Hancock Life Insurance Company (U.S.A.) (“John Hancock”) in the above-referenced actions. We have twice represented to the Courts when we thought, based on representations of other parties, that the settlement agreements and voluntary stipulations of dismissal would be submitted with regard to the above-referenced actions. Neither prediction has come to pass.

The parties to these actions, as well as numerous non-parties, have agreed to the terms of the settlement agreements and an execution copy has been circulated. We understand that some signatures have already been obtained. The agreement itself requires signatures for over thirty entities or individuals, some of whom, we understand, are currently out of the country and otherwise unavailable.

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John Hancock hopes that the agreement will be fully executed and stipulations of dismissal filed next week. However, if this does not happen, John Hancock respectfully requests that Your Honors schedule a status conference during the week of October 4, 2010.

Respectfully submitted,



Motty Shulman

cc: Counsel of Record (by ECF)